

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

DAVID DAVIS,

Plaintiff

v.

PHENIX CITY, ALABAMA, et al.

Defendants.

)  
) Case Number:  
)

) 3:06-CV-0544-WHA  
)  
)  
)  
)  
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**AFFIDAVIT OF KENNETH JOHANSEN**

Comes now Kenneth Johansen, after being duly sworn and says as follows:

My name is Kenneth Johansen. I am a Battalion Chief with the Phenix City Fire/Rescue Services and have been so employed for 18 years. I personally know the Plaintiff in this case, David Davis. I have read page 103 and 104 of Mr. Davis' deposition, wherein he states that I told him that the City Manager was mad and tired of our crap and that the union was ruining his career.

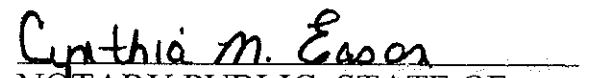
I never made the statements attributed to me by Mr. Davis and state unequivocally that the statements attributed to me by Mr. Davis on page 103 and 104 of his deposition are false. I have not reviewed any other portion of his deposition.

I was asked to make this Affidavit by James R. McKoon, Jr., one of the attorneys of the City of Phenix City for the purpose of opposing a Motion for Partial Summary Judgment filed by Mr. Davis. I am making this Affidavit for this reason and for no other reason.

Further deponent saith not.

  
KENNETH JOHANSEN

Sworn to and subscribed before me this 18<sup>th</sup> day of May, 2007.

  
NOTARY PUBLIC, STATE OF  
ALABAMA AT LARGE  
My Commission Expires: 3/24/09